

OCT 24 2007

Application Serial No. 10/620,038  
Reply to Office Action dated April 24, 2007

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (previously presented) A dried soft aerated confection food product, comprising:  
about 65% to 98% of a saccharide component (dry weight basis);  
about 0.05 to 15% of a foaming agent;  
about 0.5% to 20% of a structuring agent;  
1 to 10% moisture,  
at least one color,  
a density of about 0.1 to 0.35g/cc,  
a water activity ranging from about 0.1 to about 0.4,  
about 5-25% (dry weight basis) of a softening agent to provide a glass transition temperature of less than 5°C, and  
a springback factor of a minimum of 20% and up to 50%.
2. (canceled)
3. (currently amended) The ~~dried soft aerated~~ food product of claim 1 wherein at least a portion of the foaming ingredient is protein based.
4. (currently amended) The ~~dried soft aerated~~ food product of claim 3 wherein at least a portion of the foaming ingredient or structuring agent is gelatin.
5. (currently amended) The ~~dried soft aerated~~ food product of claim 1 having a glass transition temperature of less than -10°C.

Application Serial No. 10/620,038  
Reply to Office Action dated April 24, 2007

6. (currently amended) The ~~dried soft aerated~~ food product of claim 4 wherein both the foaming and structuring ingredient is gelatin.
7. (currently amended) The ~~dried soft aerated~~ food product of claim 1 having the ability of a 500 cm<sup>3</sup> quantity to compress to 50-85% of the original volume in 5 minutes due to the force imparted by a 1 kg weight.
8. (currently amended) The ~~dried soft aerated~~ food product of claim 1 wherein the softening agent is selected from the group consisting of polyglycerols, hydrogenated starch hydrolysates, glycerin, propylene glycol and mixtures thereof.
9. (currently amended) The ~~dried soft aerated~~ food product of claim 7 comprising:  
about 65 to 98% of a saccharide component; and wherein at least a ~~major portion~~  
majority of the saccharide component is sucrose;  
about 0.5 to 10% of gelatin;  
about 2 to 10% moisture; and,  
having a fat content of less than 5%.
10. (currently amended) The ~~aerated~~ food product of claim 8 in the form of shaped pieces each weighing about 0.1 to 10g.
11. (currently amended) The ~~aerated~~ food product of claim 10 in the form of shaped pieces each weighing about 0.1 to 0.2 g.
12. (original) The food product of claim 10 wherein a major portion of the softening agent is glycerin.
13. (original) The food product of claim 11 having a water activity ranging from about 0.2 to 0.3.

Application Serial No. 10/620,038  
Reply to Office Action dated April 24, 2007

14. (original) The food product of claim 8 wherein the softening agent is selected from the group consisting of glycerin, propylene glycol and mixtures thereof.
15. (original) The food product of claim 1 additionally comprising at least one ingredient selected from the group consisting flavor or color ingredients, nutritional fortifying ingredients, and mixtures thereof.
16. (currently amended) The food product of claim 15 wherein the at least one ingredient constitutes a nutritional fortifying ingredient is selected from the group consisting of biologically active components, fiber, micronutrients, minerals, and mixtures thereof.
17. (currently amended) The food product of claim 16 wherein the nutritional fortifying ingredient comprises biologically active components is selected from the group consisting of nutraceuticals, medicinal herbs, therapeutic or ethical drugs, and mixtures thereof.
18. (original) The food product of claim 16 including sufficient amounts of a calcium ingredient to provide a calcium concentration of about 0.1 to 5%.
19. (original) The food product of claim 1 having a portion is of a second color.
20. (currently amended) The food product of ~~claim 14~~ claim 1 wherein the dried soft aerated food product is in the form of a phase or portion of a composite food product.
21. (original) The food product of claim 20 wherein the dried soft aerated food product portion is in the form of a topical coating.
22. (original) The food product of claim 20 wherein the dried soft aerated food product portion is in the form of filling.

Application Serial No. 10/620,038  
Reply to Office Action dated April 24, 2007

23. (currently amended) The food product of claim 17 wherein the dried soft aerated food product includes at least one vitamin.
24. (currently amended) The food product of claim 20 wherein the dried soft aerated food product has at least two phases characterized by different colors, flavors or composition.
25. (original) The food product of claim 17 in the form of a wafer.
26. (previously presented) The food product of claim 25 in the form of a wafer having a thickness of about 1 to 5 mm.
27. (currently amended) The food product of ~~claim 26~~ claim 20 wherein the dried soft aerated food product portion is in the form of a peripheral border.
28. (canceled)
29. (previously presented) The food product of claim 22 wherein the dried soft aerated food product portion is in the form of a core.
30. (previously presented) The food product of claim 29 admixed with a second dry food in particulate form.
31. (previously presented) The food product of claim 30 admixed with a ready-to-eat breakfast cereal.
32. (previously presented) The food product of claim 7 having a springback of 15% of the lost volume within 5 minutes.
33. (original) The food product of claim 8 additionally comprising a high potency sweetener.

Application Serial No. 10/620,038  
Reply to Office Action dated April 24, 2007

- 34. (original) The food product of claim 33 wherein high potency sweetener includes sucralose.
- 35. (original) The food product of claim 34 wherein the high potency sweetener is present in a concentration ranging from about 0.05% to 1%.
- 36. (original) The food product of claim 1 in admixture with a ready-to-eat cereal.
- 37. (original) The food product of claim 34 wherein the gelatin is 250 Bloom strength.
- 38. (original) The food product of claim 1 having a moisture content of 2.0-2.5%.
- 39. (original) The food product of claim 37 wherein the admixture is in bar form.
- 40-80. (canceled)
- 81. (previously presented) The food product of claim 1 including a bulk compressibility factor of 50%-85%.
- 82. (canceled)